

# STEVEN ZALEWSKI & ASSOCIATES P.C.

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*Of Counsel to STEPHEN BILKIS & ASSOCIATES*

June 10, 2008

## **VIA ECF and Facsimile**

The Honorable Loretta A. Preska  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 11201

Re: Lyons v. Synapse Group, 08-CV-02963 (LAP)

Hon. Preska:

Pursuant to your honor's Court Rules 1.E, Plaintiff is requesting an adjournment of the scheduled court dates and an extension of time to conduct discovery. Such requests for adjournment and extension are made on consent. In addition, Plaintiff is also seeking leave of the Court to file an amended complaint.

On or about May 29, 2008, all parties appeared in Court for the initial scheduling conference in this matter. At such conference, this Court set this matter down for a jury trial for limited issues on July 7, 2008. The final pretrial conference was set for July 1, 2008.

The discovery schedule was set by and between the parties in order to close discovery before the pretrial conference date as follows: Document production on or before June 12, 2008; depositions of Defendants on June 18 and 20, 2008; depositions of Plaintiffs on June 23 and 24, 2008.

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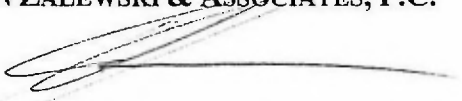
In attempting to gather documents of my clients, it has become clear that certain documents will *not* be available by the scheduled deposition dates. Such documents include, Plaintiffs' Ebay pages, which will have to be subpoenaed from Ebay AND Plaintiff's bank records, which the bank states will take at least fifteen (15) days to produce.

Defendants' counsel has indicated that he would like to depose the Plaintiffs regarding the above-referenced documents. As such, an extension of discovery would be necessary to accommodate Defendants and avoid the need to recall the plaintiffs for post-production continuation of the depositions. In addition, in the case where amendments to the transcript are required by the deponents, more time will be required between the depositions and the pre-trial conference.

In the case that this Court extends time to conduct discovery, an adjournment of the scheduled Court dates will be necessary. As such, the parties are requesting a one (1) month adjournment of the scheduled court dates to August 1, 2008 for the pre-trial conference and August 8, 2008 for the jury trial.

In addition, Plaintiffs make the instant application to amend the complaint. As this Court is aware, this action was removed from the Supreme Court of the State of New York. As such, the complaint is a barebones State Complaint. Plaintiffs would like to amend the complaint to flesh out alleged facts related to the causes of action set forth in such complaint. No additional causes of action would be asserted. Plaintiff requests ten (10) days for such amendment.

Very truly yours,  
**STEVEN ZALEWSKI & ASSOCIATES, P.C.**



By: Dustin Bowman, Esq. (DB5509)

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